

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

KENNETH RAY HUTTON,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-00573

NANCY A. BERRYHILL,

Defendant.

**ORDER**

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On January 16, 2018, Judge Tinsley submitted his Proposed Findings & Recommendations [ECF No. 10] (“PF&R”) and recommended that the court **GRANT** the plaintiff’s Brief in Support of Motion for Judgment on the Pleadings [ECF No. 7] to the extent the plaintiff seeks remand pursuant to sentence four of 42 U.S.C. § 405(g), **DENY** the defendant’s Brief in Support of Defendant’s Decision [ECF No. 8], **REVERSE** the final decision of the Commissioner, **REMAND** this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and **DISMISS** this matter from the court’s docket. Neither party timely filed objections to the PF&R nor sought an extension of time.

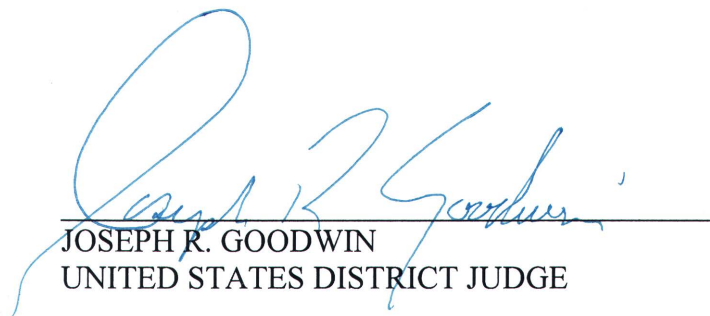
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** the plaintiff's Brief in Support of Motion for Judgment on the Pleadings [ECF No. 7] to the extent the plaintiff seeks remand pursuant to sentence four of 42 U.S.C. § 405(g), **DENIES** the defendant's Brief in Support of Defendant's Decision [ECF No. 8], **REVERSES** the final decision of the Commissioner, **REMANDS** this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and **DISMISSES** this matter from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 5, 2018

  
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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE